



MEETING SUMMARY

CALIFORNIA WATER PLAN UPDATE 2013 TRIBAL ADVISORY COMMITTEE MEETING

8:30 A.M. – 4:30 P.M. (ADJOURNED @ 2:30 P.M. DUE TO WEATHER)

**EAST-END COMPLEX BUILDING
1500 CAPITOL AVENUE SACRAMENTO, CA**

MEETING OBJECTIVES:

1. Introduce Tribal Advisory Committee (Tribal AC)
2. Identify Tribal representation on Public Advisory Committee
3. Develop Draft Charter for Tribal Advisory Committee
 - Tribal AC water planning priorities
 - Approach for integration with other Water Plan venues

Next Tribal AC Meeting:

**May 5, 2011
Trinidad Rancheria**

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Blessing, Opening Remarks, and Introductions

Blessing:

William Speer, Shasta Indian Nation, opened the first Tribal AC meeting with a blessing, reflecting on the sacred and essential nature of water and asking for guidance and support for the group's work in sharing and understanding the perspectives, needs and priorities relating to Tribal water.



Opening Remarks:

Mark Cowin, Director of the Department of Water Resources (DWR), welcomed members to the inaugural meeting of Tribal AC. Mark shared his background of having worked at DWR for over 30 years, and serving as Director during the past year. His career has been devoted to water resources and a belief in the necessity of a sustainable approach to water in California. Mark holds a deep appreciation for this land and the resources it provides. His desire is to advance those ideas and values and to deepen understandings. The Tribal effort associated with Update 2009 established a good dialog between states agencies and Tribes. The work of Update 2013 is to go further and develop strategies for addressing Tribal water interests and issues. The Water Plan process focuses on how to best manage the water resources of California. The involvement of Tribal AC members in this process is deeply appreciated – DWR is aware that everyone is strained for time and resources. Mark stated his commitment to using participants' time efficiently and wisely.

Kamyar Guivetchi, Manager for the DWR Division of Statewide Integrated Water Management, noted that his career has also been with DWR, having served the Department for almost 33 years. The most fulfilling aspect of his work has been working on the Water Plan for last decade. During Update 2009, DWR set out on a new course to work with Tribes on water planning and management. The convening of the Tribal AC for Update 2013, expands the scale of Tribal engagement. This Tribal AC is the next evolution of Tribal involvement in water planning. Kamyar's desire is to continue to raise the bar for Tribal efforts on water, including the development of recommendations that received the attention of the Governor's office, the legislature and water managers throughout the State. This approach moves beyond discussion of issues, to developing and moving forward on solutions. The approach looks to work with Tribes as equal partners in water planning to provide for Tribal water needs in this and the future generations. Kamyar thanked everyone for taking the time to participate, noting the common passion to address the many issues that were identified during Update 2009. He likened it to his experience while building a home. Initially, he went every day to see what progress was made. For many days, it seemed that little happened. It was because work was being done on the foundation. For the Tribal AC, neither DWR nor the members know for sure what the house will look like. The objective is to work together to make Update 2013 to an even more important plan for Tribal water.

John Laird, Secretary of the California Resources Agency, was invited to meet the Tribal AC which underscores the importance of the group's work. Secretary Laird expressed his interest in coming by as an item of respect. He was appointed to his position only 6 weeks ago and in that short tenure has started work on elevating the discussion of Tribal perspective within the Agency. He noted that there is agency-wide awareness of the Tribal AC and is looking forward to the discussions and outcomes from this group.



Tribal AC Introductions:

Stephanie Lucero, facilitator for the Tribal Advisory Committee, asked participants to introduce themselves.

Sam Cohen is from the Santa Ynez Band of Chumash Indians, which is inland from Santa Barbara. The Chumash are distinguished as a tribe established in a river. Sam is a lawyer working on water issues.

Richard Hawkins is from the No-Rel-Muk Wintu Nation, which is currently not federally recognized. The Tribe is working on recognition, the preservation of original Tribal lands and water supplies for their people.

Danny Jordan is from the Hoopa Valley Tribal Council which is especially focused on Trinity-Klamath water issues. The Trinity is the Tribe's only supply from an external source. This river runs through 6 hydrologic regions. Danny was involved in Update 2009 and is disappointed with water policy failing to acknowledge that Tribes have senior water rights.

Michael Hostler is from Cher-Ae Heights Indian Community of the Trinidad Rancheria. Michael is new to the Water Plan process. His experience is with Emergency Management throughout the state. His interest is in looking at consultation options for State agency consideration.

Daniel Rockey, Sr. is from Sherwood Valley Rancheria of Pomo. He observed that water was more plentiful when he was growing up. Daniel wonders where all the water is going. He wants to assure water to support Tribal well being.

Alex Cleghorn is with California Indian Legal Services (CILS) in the Sacramento Office. He is Inuit from Alaska. CILS is involved to monitor and provide general information where appropriate and to assist the Water Plan in better addressing Tribal interests.

Brett Matzke is from North Fork Rancheria of Mono Indians and involved with non-profit fisheries issues. The Rancheria is located on a hard-rock aquifer, with limited water supplies. Water rights for the future are important.

Cathy Kindquist is from Quartz Valley Indian Reservation. She has worked for 25 years in the field of water resources, including the areas of Colorado and Utah. Cathy's primary interest is in water quality for surface and groundwater supplies and the ongoing effects of groundwater pumping.

Michelle Fuller is from Blue Lake Rancheria and is new to this process. She is interested in several topics, including: sustainability and ecosystem health, environmental justice, tribal water rights, climate change, and flood protection.

William Speer is a council member for Shasta Indian Nation. He wants water planners throughout the State to be aware of, and work with, Tribes. In Northern California Tribes



are often over-looked, including water and watershed rights. William noted that if Tribes don't participate in the process, the State will move forward without Tribal involvement.

Frank Ramirez is with National American Indian Veterans. He is interested in water rights and water quality impacts on public health and development. Frank commended Paul and Kamyar on their support for this process. He also noted that the Public Policy Institute of California gave a great presentation on Managing California's Water. (Note: The presentation is available online at www.ppic.org/main/event.asp?i=1079.)

Robert Columbro is with the Shingle Springs Rancheria of Miwok Indians, working as the Environmental Protection Officer. His focus is on State recognition and support for Tribal water rights. Robert extended his thanks to Director Cowin for his involvement.

Roselyn Lwenya is originally from Kenya and now works for Buena Vista Rancheria of Me-Wuk Indians in the Tribal Preservation Office. The Tribe is now initiating a small water project. Roselyn is involved in this process to learn more and to contribute on regional water issues. She is interested in protection of water resources, including spiritual and ceremonial water uses.

Aaron Dixon is from Susanville Indian Rancheria and his involvement is from direction of the Tribal Board. The Tribe's recent focus on water rights involved a fight against a firm that wanted to divert water to Reno. The Tribe's involvement emphasized the importance of making Tribal perspectives known.

Charles Martin is from the Morongo Band of Mission Indians and emphasized that water is being monetized. He noted that it's a cold, hard fact that water has value and Tribes need to protect their rights to water.

Oscar Serrano is the Senior Engineer for Colusa Indian Community Council, working on a variety of issues: water rights, and surface and ground water.

Paula Britton is the Environmental Director for the Habematolel Pomo of Upper Lake.

Robert Sloan is from the Pit River Tribal Council. This Tribe encompasses 11 peoples and they are involved to hear more and work on building coalitions.

Donna Miranda-Begay (afternoon) is from the Tubatulabals of Kern Valley. She is also with the Inter Tribal Council of California.

Other Introductions

Kamyar Guivetchi, DWR, has worked and watched many different people from different areas and religions. He is strongly committed to bringing indigenous values, ideas and expertise into the Water Plan, noting that native and indigenous have an understanding of what it takes to be sustainable. Kamyar is looking for Tribes to help educate State government on effective ways to work together.

Paul Massera is the DWR Program Manager for the Water Plan. He is the fifth generation of a ranching family in Monterey County. Paul wants to create and provide the



resources for integrating Tribal preferences and ideas into the Water Plan, in a way where they can best be reflected and implemented.

Mark Cowin, DWR, observed the extensive versatility and diversity represented through the introductions. He appreciates hearing all of the different views. Mark has worked on the Water Plan since 1980s, with improvements in each Update has gotten better. His hope is that Update 2013 can improve to better reflect Tribal views.

Stephanie Lucero is with the Center for Collaborative Policy (CCP). While she lives in California, her Tribe is from New Mexico. She is Mascalaero-Apache, Mexican, German and English. She was taught to mention all four elements.

Steve Archer is the alternate member for Buena Vista Rancheria of Me-Wuk and has been part of the Tribal council for many years. He is interested in the topics of water rights and the cultural practices related to water. Steve is also interested in better data and understanding relating to groundwater.

John Covington is the alternate for the Morongo Band of Mission Indians. The Tribe was involved in Update 2009, where Tribal water supply was a key issues John. He sees the huge disconnect between state governments and Tribes. This is highlighted in the differences between the operations of water districts and Tribes. The Morongo Band is involved to help represent some of the water issues in Southern California, which are very different from issues in the North.

David Ortiz is Ogalla-Sioux and focused on water development for sovereign use.

Emily Stevens is staff with the Tuolumne Band of Me-Wuk.

James Barlese is from the Pit River Tribal Council, working as the cultural representative. He is interested in protecting the quality of water and learning more about this process.

Diane Trujillo is with the State Water Resource Control Board and works on Tribal and environmental justice affairs.

Crawford Tuttle is the Chief Deputy Director for the California Department of Forestry and Fire Protection (Cal Fire).

Al Schiff is with the California Public Utilities Commission (PUC), which regulates the small water companies that provides about 25% of the State's water infrastructure. The PUC recently developed a Water Action Plan with policy objectives for regulating water utilities. Al noted that there is increasing interest in better understanding aquifer conditions.

Tito Cervantes is with the DWR Northern Regional office and works on land and water data and the movement of water. He is reaching out to better engage Tribes as partners.

Jose Alarcon is with DWR and works primarily on Water Quality. He wants to learn more about Tribal issues.



Gita Kapahi is the Tribal liaison for the State Water Boards. The Water Boards oversee Water Quality and Water Rights for California.

Marie Hoffman assists in the Tribal liaison office for the State Water Boards.

Mary Randall is the Regional Coordinator and Tribal liaison for DWR in the Northern Regional Office.

Tim Nelson is the Tribal liaison for the DWR North-Central Regional Office. He is Karuk and Shasta.

Abimael Leon is the Tribal liaison for the DWR South-Central Regional Office.

Jennifer Wong is the Tribal liaison for the DWR Southern Regional Office.

Lewis Moeller is the DWR project manager for the California Water Plan.

Michelle Dooley is from the DWR South-Central office and is working to better involve Tribes in the Water Plan and Integrated Regional Water Management (IRWM) planning efforts.

Ernie Taylor is from the DWR South-Central office.

Sarah Sol is the DWR Editor for the Water Plan.

Barbara Cross is the Tribal liaison for DWR. She noted that without a formal State consultation process, her work is the result of DWR management seeking to reach out to Tribes. Barbara developed the framework for DWR's tribal outreach over the past several years and she will soon be retiring. She hopes to continue to contribute to this process.

Jim Fryer is with Integrated Water Resources Conservation Associates and works on water resource stewardship, which is essential for environmental and economic health. The "Working for Water" in South Africa is a good example of this, providing employment opportunities in support of water programs.

Judie Talbot is with the Center for Collaborative Policy and serves as the Regional Facilitator for Update 2013.

Agenda Review

Stephanie Lucero moved into the remaining agenda items with an overview of the agenda. The meeting agenda was restructured to end the meeting earlier, to allow participants to travel safely with the projected snow levels.

Participants were reminded that all of the meeting materials were posted online at the Water Plan website, on the Calendar and Materials web page. The direct link is:
www.waterplan.water.ca.gov/materials/index.cfm?subject=feb2511.



With the shorter meeting time, Tribal AC members were asked to review the materials on page 15 of the meeting workbook and in the appendices to learn more about the approaches for the regional forums and topic-based caucuses.

Overview of the California Water Plan

Update 2009

Kamyar Guivetchi provided a brief recap of Update 2009 activities. The presentation included the following key elements:

- Key features and public outreach process for Update 2009
- Review of the Update 2009 document: 5 Volumes and associated content
- Walk-through of the Highlights document
- Overview of IRWM efforts throughout the State
- Recap of the major components for Integrated Water Management: water management, integrated flood management, drought contingencies and land use.
- Summary of Tribal involvement and outreach, featuring the California Tribal Water Summit in November 2009

Kamyar reviewed the Highlights document, which includes a fold-out section (pages 12A – 12D) that contains the Strategic Plan elements for the Water Plan:

- Vision and Mission
- Planning Goals
- Guiding Principles
- Implementation Objectives and Actions
- Recommendations

This basic framework for the Strategic Plan will be carried forward and revised for Update 2013.

The Update 2009 presentation concluded with reminders of the main sources for information, with links to the main Water Plan website at www.waterplan.water.ca.gov and the subscription page for the online eNews (www.waterplan.water.ca.gov/enews).

Update 2013

Paul Massera introduced the approach and content for Update 2013. His presentation discussed the following

- Foundation components that will carry forward from Update 2009
- New or enhance components for Update 2013 that will be developed through workshops and caucuses



- Key activities and dates for the Update 2013 work plan and timeline

The following foundation components will carry over from Update 2009 and be revised to include new content where appropriate:

- Strategic Plan
- Regional Reports
- Future Scenario
- Resource Management Strategies
- Water Data/Balances/Portfolios
- State Companion Plans
- Reference and Technical Guides

New or enhanced components for Update 2013 will include the following topics. Content for these topics will be developed by project staff in partnership with public workshops and caucuses. Briefings will be provided to the Tribal AC on all of these activities.

- Integrated Flood Management
- Groundwater
- Progress Reporting
- Land Use Planning
- Environmental Water and Ecosystem Restoration Finance Plan

Discussion and Comments

After the presentations, Tribal AC members discussed the past and current activities on the Water Plan. The following points summarize comments that were made:

Water Rights

- Much stronger language is needed on the discussion of the seniority of Tribal rights that date back to the federal set-aside of reserved lands. These were intended to provide a benefit to those people. Currently, the State only recognizes Tribal rights that have been litigated. Water rights are already over-allocated and they do not include senior Tribal water rights. This policy needs to be called out and changed. This should come from the Governor's office.
- Water supply data will not be sufficient without consideration of Tribal water use and needs, which are often calculated as federal water and thus not incorporated sufficiently in the California Water Plan.



Data

- A question asked why ***additional data collection*** is needed, since previous Water Plans have generated extensive data. Kamyar responded that earlier updates focused on water supply and use. Even that data is typically collected from local and county sources. Other data is needed on water quality and economics. Overall, Integrated Water Management requires better and comprehensive data and analytical tools, as does modeling to look at how climate change might affect water supplies and use. Also, the Statewide Water Analysis Network (SWAN) is being expanded to bringing in Tribal knowledge. DWR will put out notices of the meetings and invite Tribes to be a part of that.
- A participant noted that data sets are often not user-friendly and information is difficult to access. Tribes need to be coordinating with SWAN on ***data access***. The Sacramento River Basin is doing a report card on the Feather River, providing very interesting information. It would be good if the Water Plan supports that type of effort. Kamyar replied that new work will be done along those lines with the Progress Report and through work with UC Davis on sustainability indicators.
- There was a suggestion that an ***inventory of Tribal activities*** and projects be created. This would be helpful for other Tribes to look at other Tribal water transfer and storage efforts.
- One participant commented on the difficulty of trying to piece together information from different projects. They asked about the possibility of ***coordinating data and resources*** at the local, state and federal levels. Kamyar agreed that this is a challenging task, since different agencies often use different standards in data collection. Data-sharing alone would be an important outcome for beginning to coordinate on data and analyses.

Implementation and Responsibilities

- A participant asked ***how recommendations will be implemented***, and at what level. Specifically, what products get implemented and do policies support implementation of Tribal recommendations? In response, Kamyar explained the Update 2009 provided objectives (outcomes) and recommendations for addressing impediments to achieving those objectives. The Water Plan needs to be clear in terms of what must happen to make objectives implementable. DWR does not have authority for all water decisions. The Tribal AC can surface issues which can be sent out to other venues, with responses and options brought back to the Tribal AC for discussion.
- A comment was made that many of the recommendations say... DWR “***should***.” The term “should” pushes Tribes away from the table. Tribes want to know what DWR “***will***” do.
- A suggestion was made that a list be developed to ***identify key water agencies and their associated responsibilities***.



Tribal Resources, Communication and Planning Relationships

- A suggestion was made to create a **map of Tribal lands** in each hydrologic region. The Tribal AC can advise the State on how to factor in **Tribal water supplies and uses** at the level of IRWM planning. Another comment was made that the Strategic Plan is a good place to house the discussion on better relationships.
- There was a comment that it might be helpful to have a requirement for Tribal involvement in **IRWM processes**. If Tribes want to exempt themselves, they would produce a letter. The focus should be on steps needed to achieve a result. Paul Massera noted that this would be discussed within the Finance Caucus.
- A suggestion related to data is creating an inventory of **Tribal Water Plans** and projects. This may also incorporate Federal resources and efforts.
- DWR was asked for assurance that the Tribal concerns and issues generated by the Tribal AC will appear in the Water Plan. Mark Cowin replied that topics and recommendations that have broad agreement will appear in the Water Plan. He noted that this is a good faith effort on everyone's part to understand Tribal interests and incorporate it into the Water Plan. There are no specific requirements for legal review, recommendations can be made that seem appropriate. DWR has an open mind is here to learn about Tribal water.
- A follow-up commented emphasized the need for Tribes to come together with a united approach to communicate Tribal water uses. Shared concerns include watershed planning, land claims, protecting water supplies from commercial water bottling operations and the cultural role of water.
- It was noted that the work on Tribal outreach needs to be updated regularly to keep the Tribal Communication Committee network current.

Working Lunch Sessions

During lunch, five discussion tables were created to focus on different topics of Tribal interest: Water Quality, Watersheds, the Sierra region, Forestry, and Coastal resources. This format supported interaction and discussion between Tribal AC members and executive State Agency Steering Committee members. The following list identifies the State Agency leads associated with the five topic areas:

- Coastal: Jonathan Bishop, Chief Deputy Director for the State Water Boards
- Forestry: Bill Snyder, California Department of Forestry and Fire Protection (Cal Fire), Deputy Director for Resource Management; Chris Keithley, Cal Fire, Fire and Resource Assessment Program; Barry Hill, USFS, Watershed Improvement Program
- Sierra: Crawford Tuttle, Chief Deputy Director for the California Department of Forestry and Fire Protection (Cal Fire)



- Water Quality: Gita Kapahi, State Water Boards, Director of Public Participation, Past Chief of the Bay-Delta Special Projects Unit; Al Schiff, Utilities Engineer, California Public Utilities Commission
- Watersheds: Brian Leahy, Department of Conservation, Assistant Director, Division of Land Resource Protection; John Lowrie, Department of Conservation, State Watershed Program Manager

Group Comments

When the Tribal AC reconvened after lunch, report outs were provided on the table-top discussions. Ideas were captured as discussion items and action items (see last section). An important question surfaced regarding Tribal input into the Delta Habitat Conservation and Conveyance Program (Delta Plan). Tribal AC members noted that Tribes have submitted documents on this proposal, but have not been invited to meetings. This process allocates water supply for the State of California, and is not recognizing Tribal water rights in that process. Tribes have not been to participate. Kamyar explained that the Delta Stewardship Council is tasked with developing the **Delta Plan** and a draft plan is currently posted on the web. There will be four other drafts before the plan is finalized. The process also includes an EIR. DWR will contact the Delta Stewardship Council about Tribal involvement.

Next Steps

Representation on Public AC

Involvement of the Tribal AC on the Public AC could include a number of different options, including:

- Formal seating of Tribal AC members as Public AC members
- Rotating assignments to sit on Public AC
- Agendized briefings to Public AC

A proposal will be developed by mid-March for the March 30th Public AC meeting.

It was noted that the subject of serving on the Public AC should be addressed in the Tribal AC Charter. Any Tribal AC representation on the Public AC would be to represent the perspectives of the Tribal AC and NOT the interests of the 106 California tribes. As a reminder, Tribal AC members do not have authority for decision-making, since endorsements and decisions require resolutions of the Tribal Councils.

Scheduling of Tribal AC Meeting Dates

It was noted that Fridays work best for Tribal AC members. The following dates were set for the Tribal AC:



- Thursday, May 5 at the Trinidad Rancheria (May 5 was identified to correspond to the National Tribal Environmental Council annual meeting scheduled at Bluelake Rancheria May 1-4, 2011)
- Friday, August 5 in Sacramento
- Possible date of Friday, October 28 in conjunction with Update 2013 Plenary session in Ontario (Note: the Plenary is scheduled for October 26-27)

Action Items

- Proposal submitted for Sam Cohen to head up a Legislation workgroup to consider items such as Joint Power Agreement options, language for contracts and grants, and tracking of legislation for an Indian Affairs Office.
- Proposal submitted for creation of a communications workgroup to work on proposal for a Consultation plan.
- Schedule Tribal AC meetings for 2012
- Draft resolution for Public AC involvement
- Contact Delta Stewardship Council regarding Tribal involvement
- Develop one-page summary of key water agencies

Discussion items

- Water Summit 2009 Next Steps
- Tribal Water Rights discussion with Water Boards
- Federal and trust lands/allocations and associated water use
- Forest Plan – Tribal involvement
- Monitoring of groundwater

Public Comment

Jim Fryer entered comments into the public record, congratulating all those involved for pulling this effort together. He encouraged agencies to embrace input of Tribal members, who have knowledge of historic systems and practices and for Tribal members to continue encouraging Tribal involvement and sharing of historic knowledge. This will continue to create opportunities for working together and restoring the health of natural systems.

David Ortiz emphasized that Tribal outreach is best accomplished by Tribes. He hoped that DWR will commit resources to support that approach. David commented that significant deliverables are needed to show success to Tribes as a result of their effort to this process. He remarked that within Tribes and across Tribes, an underlying element is



the spirit of Tribal societies. Quantifying spirit and Tribal needs for water will be a challenging task.

Updates and Closing Comments

A Tribal AC member provided an update that at a Policy Committee meeting, the Bureau of Indian Affairs, Central Agency was asked to support California Tribes in the Marine Life Protection Act effort and a resolution has been passed.

Also, last week, Assembly member Chesbro introduced placeholder legislation to propose a Native American position at the Governor's office. This is consistent with the desire of Tribes to see a California Tribal Office at the Governor's office.

DWR Tribal Liaisons – Contact Information

- Mary Randall, Northern Regional Office, (530) 528-7407, mrandall@water.ca.gov
- Tim Nelson, North-Central Regional Office, (916) 376-1926, tnelson@water.ca.gov
- Abimael Leon, South-Central Regional Office, (559) 230-3315, aleoncar@water.ca.gov
- Jennifer Wong, Southern Regional Office, (818) 500-1645 x262, jenwong@water.ca.gov

<u>Next Tribal AC Meeting:</u> Thursday, May 5th in Trinidad
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Attendance

Tribal Advisory Committee Members and Alternates (21):

Steve Archer, Buena Vista Rancheria Me-Wuk Indians of California
Paula Britton, Habematolel Pomo of Upper Lake
Alex Cleghorn, California Indian Legal Services
Sam Cohen, Santa Ynez Band of Chumash Indians
Robert Columbro, Shingle Springs Rancheria
John Covington, Morongo Band of Mission Indians
Aaron Dixon, Susanville Rancheria
Michelle Fuller, Blue Lake Rancheria
Richard Hawkins, No-Rel-Wuk Wintu Nation
Michael Hostler, Cher-Ae Heights Indian Community of Trinidad Rancheria
Danny Jordan, Hoopa Valley Tribal Council
Cathy Kindquist, Quartz Valley Indian Reservation
Roselynn Lwenya, Buena Vista Rancheria Me-Wuk Indians of California
Charles Martin, Morongo Band of Mission Indians



Brett Matzke, North Fork Rancheria of Mono Indians
Donna Miranda-Begay, Inter Tribal Council of California, Tubatulabals of Kern Valley
Frank Ramirez, National American Indian Veterans
Daniel Rockey, Sr., Sherwood Valley Rancheria of Pomo
Oscar Serrano, Colusa Indian Community Council
Raymond Sloan, Pit River Tribal Council
William Speer, Shasta Indian Nation
Valeria Stanley, Sherwood Valley Rancheria of Pomo

Others (32):

Vilma Aquino, Integrated Water Resources Conservation Associates
James Barlese, Pit River
Warren Barlese, Summit Lake Paiute Tribe
Jonathon Bishop, State Water Boards
Chris Brady, Indian Health Service
Dan Brafford, Indian Health Service
Tito Cervantes, DWR
Mark Cowin, DWR
Michelle Dooley, DWR
Jim Fryer, Integrated Water Resources Conservation Associates
Kamyar Guivetchi, DWR
Barry Hill, US Forest Service
Tom Keegan, Dry Creek Rancheria
Chris Keithley, Cal Fire
Brian Leahy, Department of Conservation
Abimael Leon, DWR
John Lowrie, Department of Conservation
Darlene Machon, Madesi-Pit River Tribe
Paul Massera, DWR
Lewis Moeller, DWR
Michelle Nguyen, Dry Creek Rancheria, La Pena Law Corporation
David Ortiz, AP Rainwater Harvesting and Graywater Solutions
Mary Randall, DWR
Al Schiff, California Public Utilities Commission
Bill Snyder, Cal Fire
Emily Stevens, Tuolumne MeWuk Tribal Council
Ernie Taylor, DWR
Diane Trujillo, Water Boards
Jennifer Wong, DWR

Facilitation Team: Stephanie Lucero, Tribal Facilitator; Judie Talbot, facilitation support; Center for Collaborative Policy, CSU Sacramento; Lisa Beutler, Executive Water Plan Facilitator

James Fryer

650.580.5790

**2426 Lincoln Ave., Unit B
Alameda, CA 94501
j Fryer.iwrca@gmail.com**

February 25, 2011

Tribal Advisory Committee
Attention: Barbara Cross
Government & Community Liaison
Office of the Director
Department of Water Resources
PO Box 942836
Sacramento, CA 94236-0001

Dear Tribal Advisory Committee:

Thank you for the opportunity to participate the February 25, 2011, Tribal Advisory Committee meeting and congratulations on your efforts to pull this important effort together.

There are numerous credible descriptions of California's environment as it flourished under native Indian stewardship. These describe healthy, functioning systems, abundant and flourishing wildlife and native vegetation diversity, and very active and careful stewardship by native Indians for thousands of years. Probably everyone participating in the meeting can easily conger up mental images of the natural paradise that once was California.

Unfortunately, we now have widespread destruction and decline of the environment and collapse or near collapse of natural systems in widespread areas, a result of less than 200 years of abusive practices. California will never again be what it was hundreds of years ago, but it can be much better than it is now, and where we are headed with present trends.

In light of present day circumstances, I urge DWR and other natural resource agencies to embrace and encourage the active input and assistance from California's tribal members. They have the knowledge of historic watershed and vegetation stewardship practices essential to restoring the health of California's natural systems, which I believe cannot be done without the reactivation of the practices on a widespread basis.

I urge tribal representatives to continue cultivating and enhancing the interest of the tribal members of all ages in water and watershed stewardship practices. Mobilize tribal field teams to restore historic Indian watershed and vegetation stewardship practices. Proactively share historic knowledge and practices to help restore damaged natural processes and functions in waterways and watersheds. Continue documenting the specific practices and disseminate information on the benefits of restoring Indian stewardship practices. Provide continued input and guidance for agencies with present day legal obligations for water and watershed resources.

For both the agencies and the tribes, I urge you to identify and develop opportunities to work together to structure programs and policies to restore watershed health and natural functions in appropriate areas. This process, and related efforts, can play a significant role in improving the health of California's natural systems. In fact, it may not be possible without a highly successful outcome from this collaborative process.

One often hears we should use the best available science in our decision making. But, this creates an interesting dilemma. I consider myself an environmental scientist and I believe in the pursuit of science and knowledge. We are continually adding much to our scientific knowledge base.

However, we are far from being able to answer many critical questions from a purely scientific point of view. On our present course, many of California's natural water systems and significant portions of its watersheds will suffer environmental collapse long before we have many questions adequately answered for appropriate decisions based purely on science. In a further confounding factor, we are studying a rapidly changing and declining system. Therefore, we need a proxy mechanism for immediately improving the health of the system that allows us to intuitively make valid scientific decisions.

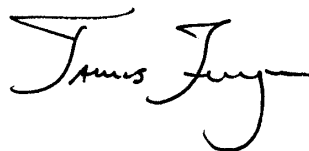
Emphasizing the restoration and enhancement of natural processes and functions serves as an excellent proxy for making the best decisions in the face of much scientific uncertainty. We presently know enough about the system to do this effectively. This is how we can begin to close the gap between science, policy, and scientific uncertainty. Embracing and utilizing native Indian stewardship practices is an important component of doing this effectively.

No sensible person can now fail to recognize the past influence and value of traditional Indian stewardship practices and the associated ecological services. The more modern science progresses, the more we actually document these values, and understand the associated benefits in environmental and economic terms.

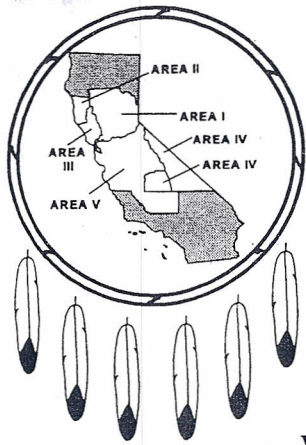
We urgently need to transition from a narrowly focused, highly fragmented, zero-sum management approach, now practiced for over 150 years, and which creates extreme winners and losers, to a comprehensive, natural functions and processes enhancement approach based on native American stewardship practices. Properly structured and applied, this approach can benefit all interested stakeholders including tribal members, water and natural resource agencies, urban interests and agricultural interests. With appropriate stewardship practices, we can make California a better place, now and in the future.

Again, thank you for the opportunity to attend and make comments. I will be watching this important process with much interest.

Best regards,

A handwritten signature in black ink, appearing to read "James Jorgensen". The signature is fluid and cursive, with a long horizontal stroke at the end.

Environmental Scientist



CENTRAL CALIFORNIA AGENCY POLICY COMMITTEE

650 Capitol Mall, Suite 8-500, Sacramento, CA 95814

RESOLUTION TO PROTECT AND PRESERVE ABORIGINAL RIGHTS

Resolution # 2010-A-01

Nelson Pinola
Chairperson

Silver Galletto
Vice-Chairperson

Barbara Rose
Secretary

Representatives:

Barbara Rose
Area I
Northern Valley

Nelson Pinola
Area II
Mendocino County

Silver Galletto
Area III
Costal Counties

Art Sam
Area IV
Owens Valley

Robert Marquez
Area V
Central Valley

Ryan Garfield
Area VI
Tule River

Donna Begay
Area VII
Public Domain &
Indian Allotments

WHEREAS: The Bureau of Indian Affairs Central California Agency Policy Committee ("CCAPC") has been established to provide advice and recommendations for the Bureau of Indian Affairs with regard to issues of interest and concern to Central California tribes; and

WHEREAS: The CCAPC consists of fifty-five Native American tribes as enumerated on Exhibit A of this declaration (hereinafter the "CCA Tribes"); and

WHEREAS: Pursuant to its charter the CCAPC has the authority to issue recommendations and decisions; and

WHEREAS: The CCAPC Tribes are located within their aboriginal homelands, and have continued to use and occupy these ancestral lands which are now part of Central California; and

WHEREAS: The CCAPC Tribes strive to promote and perpetuate the protection of natural resources, including historical, cultural, archaeological, and sacred sites, for future generations and thus strongly support conservation and protection of such resources; and

WHEREAS: The Indians of California, both coastal and inland, have relied on and used coastal resources since time immemorial for subsistence, trade, ceremonial and religious purposes, the protection of the aboriginal food sources, and traditional gathering/harvesting practices are a fundamental human right which is important to all California Indians; and

WHEREAS: Due to this reliance on the coastal resources by California Indians, there are historic and prehistoric cultural resources sites along the coastal zones which tribes have an interest in protecting; and

WHEREAS: Many tribes in California have maintained prescriptive rights to fish, harvest seaweed and shell fish, and practice their religion along the coast at their usual and customary places within their traditional and historic territories as they have done since time immemorial; and

WHEREAS: Many California Tribes rely on their ability to fish, and harvest seaweed and shell fish, which are their traditional foods, and to use the shells for religious regalia and sacraments, for the physical and mental health and welfare of their members; and

WHEREAS: The State of California (State) has enacted the Marine Life Protection Act (MLPA) for the purpose of increasing coherence and effectiveness in protecting the state's marine life and habitats, marine ecosystems, and marine natural heritage, as well as to improve recreational, educational and study opportunities provided by marine ecosystems subject to minimal human disturbance through the creation of Marine Protection Areas (MPA); and

WHEREAS: The Task Force created to oversee implementation of the MLPA is comprised of persons from commercial, educational, and environmental communities which have no knowledge of traditional tribal practices with respect to subsistence fishing and harvesting; and

WHEREAS: While the Task Force has, in recent meetings, finally acknowledged and responded to tribal and California Indian concerns regarding fishing, harvesting and religious rights of California tribes and Indians, the needed actions to provide access have not yet been taken; and

WHEREAS: The State is in the process of designating coastal areas for restricted use to promote the conservation and recovery of marine plant and animal communities, but to date has not conducted government-to-government consultation with California tribes to discuss and assess the potential negative impacts of such restricted uses on California tribes' traditional subsistence fishing, gathering/harvesting, and religious rights; and

WHEREAS: The focus of the Task Force is to address the recreational, educational and commercial opportunities of these coastal waters, however, such uses are typically the antithesis of tribal uses, and therefore tribal rights and interests have not been properly and adequately considered in the process; and

WHEREAS: California Tribes, as the original stewards of this land, retain original rights and to protect the land, air, water, and food sources upon their homeland; and

WHEREAS: The failure of the State to conduct government-to-government consultation with tribes violates the spirit and intent of the Federal and State consultation policies (See Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000, on Consultation and Coordination with Indian Tribal Governments, Presidential Memorandum of November 5, 2009, on Tribal Consultation; California Government Code sections 11019.8 and 65040.12(e); California Public Resources Code section 5097.9) which are designed to assure adequate input from affected tribes; and

WHEREAS: The failure of the State to consider tribal rights and religious practices when designating restricted areas violates the Religious Freedom Restoration Act and the American Indian Religious Freedom Act because such designations impede the ability of tribes to practice their traditional religions through use of the coastal areas for ceremonies and harvesting and gathering of ceremonial sustenance and objects.

NOW THEREFORE BE IT RESOLVED THAT: The Central California Agency Policy Committee hereby demands that the State immediately engage in government-to-government consultation with California tribes concerning the negative impacts to tribal rights and interests by the MLPA and the designation of MPAs; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT: The Central California Agency Policy Committee demands that the State assure the protection and continued practices of California tribes in the use of the coastal resources for subsistence, ceremonial and cultural uses when implementing the MLPA through the designation of MPA's either through administrative or legislative means; and

NOW THEREFORE BE IT FURTHER RESOLVED THAT: The Central California Agency Policy Committee hereby demands an immediate exclusion for California Tribes under the California Marine Life Protection Initiative which will allow unobstructed access to fish and gather traditional foods along the California coast; and

NOW THEREFORE BE IT FINALLY RESOLVED THAT: The Central California Agency Policy Committee hereby recommends to the Bureau of Indian Affairs Central California Agency and Pacific Regional Office to take the steps necessary to assist and support the tribes in their effort to obtain justice in the implementation of the California Marine Life Protection Initiative.

CERTIFICATION



Policy Board Committee Chair

APR 20 2010

Date:



Policy Board Committee Secretary

APR 20 2010

Date: